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From the Los Angeles Times

# LAPD far short of funds for DNA tests

By Richard Winton and Patrick McGreevy  
Los Angeles Times Staff Writers

November 30,2007

The Los Angeles Police Department would need \$9.3 million to clear up a backlog of untested DNA evidence that could hold the key to solving hundreds of sexual assaults and other violent crimes, but state and local money is falling far short of covering the cost, officials say.

The problem was underscored by a state audit released Thursday that detailed the shortfall that has existed between state aid and local law enforcement needs.

Under Proposition 69, approved by voters in 2004 to expand California's DNA database, a special court fee was established to pay for DNA collection and analysis. Initially, most of the fee money went to the state crime lab, which was able to slash its own backlog of untested evidence.

The LAPD has received only \$530,000 from the court fee over the last three years for DNA collection from felons, and nothing to analyze crime scene evidence, authorities said. The department expects to receive \$1 million in state money next year for its crime lab, but officials say that will barely begin to close the gap.

Evidence from 6,700 LAPD sexual assault cases is stored in envelopes and cartons inside cold storage lockers and trailers at a city warehouse facility on the eastern fringe of downtown and in a trailer behind police headquarters. Each packet is a potential genetic road map to a rapist or killer, whose capture and conviction could bring some peace of mind to survivors and their families.

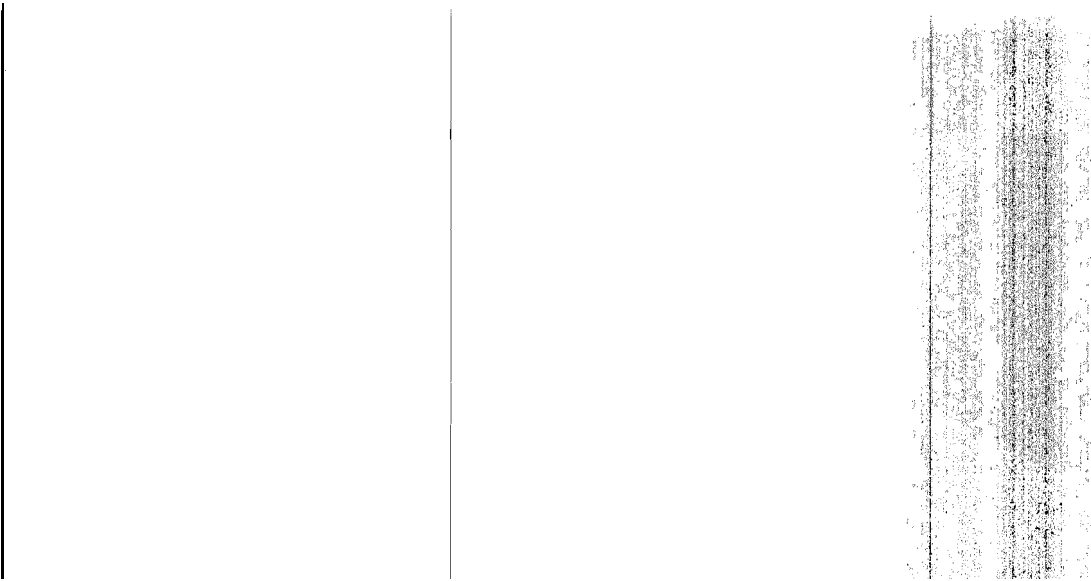
In some cases, police say, the rapist has confessed, or immediate analysis is not necessary for other reasons. But despite the launch of a new regional L.A. crime laboratory last summer and public expectations of "CSI"-style efficiency, packages have been sitting untested for up to a decade, LAPD officials acknowledged.

The logjam is particularly frustrating because the department has found that 37% of cases with DNA evidence produce a "hit," or match, when tested against the FBI's national DNA databank. And while the LAPD says it is keeping up with 30 new DNA evidence packets arriving each week, Chief William J. Bratton said the backlog may never be cleared without additional funding.

"Passion is not money, and this situation takes money we don't have," Bratton said in an interview Wednesday. "It is not for lack of desire. I had a [relative] who was very viciously raped, and I dealt with that firsthand when she was 14 years old.

"Thirty years later she is still dealing with the trauma of that rape," he said. "So there is nothing I am more aware of personally and intimately in terms of damages caused by these things."

The problem is not unique to Los Angeles. Forensic DNA testing facilities nationwide have been swamped by



demands, not only from regular investigators but also from "cold hit" squads seeking breaks in long-dormant cases and from convicts with innocence claims. According to U.S. Justice Department statistics, more than 500,000 unsolved crimes, including 169,000 rapes, have DNA evidence that has gone untested.

In Los Angeles County, the backlog has occasionally caused trial dates to be canceled, frustrated detectives and delayed justice for victims and their families. More seriously, an evidence kit that went untested for months left a rapist free to assault another woman and a teenager.

Detective Tim Marcia said he knew when he arrived at the scene of a February 2000 sexual assault on a 43-year-old legal secretary in Mid-Wilshire that it was the work of a serial rapist. So when he was told DNA analysis at the LAPD facility would take eight months, the detective drove the victim's evidence swab to the state crime lab.

Four months later, Christopher Cardwell broke into a pregnant woman's home in Los Angeles and sexually assaulted her. The next month he raped a 17-year-old girl, also in her home. After the DNA testing was completed in August, Cardwell was convicted of 20 sex crimes against the three Los Angeles victims and one other and sentenced to 580 years to life in prison.

"It is unconscionable that victims should have to endure sexual assaults and other acts of brutality while the evidence that prevents these crimes sits untested," said Councilman Jack Weiss, who raised the case in a recent letter to his colleagues on the issue.

LAPD Cmdr. Harlan Ward said some of the stockpiled evidence is from closed cases; in others, police already know who the rapist is or don't believe there was a crime. Individual detectives prioritize testing in cases in which it could be the most helpful, such as rapes by strangers.

But odds are that among the 6,700 rape kits are genetic guideposts to the identities of hundreds of unknown rapists, authorities said.

"Every kit in the freezer represents a woman or child who has been raped and put their faith in the system," said Gail Abarbanel, founder of the Rape Treatment Center at Santa Monica-UCLA Medical Center.

Lisa Kahn, a deputy district attorney specializing in DNA evidence, said authorities don't know how big the problem is because they don't know what's in the untested evidence kits. But Abarbanel thinks many repeat offenders could be stopped through more testing.

"We desperately need more police officers on the street, but it is just as important to put criminalists in the crime lab," she said.

Rape charges must be filed within 10 years of the assault, but the cutoff is suspended if a DNA profile is produced within the first two years. Greg Matheson, head of the LAPD crime lab, acknowledged that not all the department's DNA evidence in rape cases is tested within the two years limit and that some is not even analyzed before the 10-year statutory deadline.

In order to better meet the two-year deadline, the LAPD went back this year over sexual assault cases in which detectives had initially passed on DNA testing. After selecting the most promising ones, they found that 44% of the cases had DNA evidence and that 10% of those produced a hit in the national databank.

The LAPD lab has a city-financed budget of \$5.7 million for DNA work, plus a \$1 -million grant this year. Earlier this month Weiss offered a proposal to generate the additional \$9.3 million to clear the backlog.

The plan is similar to an initiative New York City used to eliminate its backlog a few years ago. But Bratton, during the interview, said the proposal is "dead on arrival" because the city doesn't have the money.

"I guarantee when it goes before the council it is not going to go anywhere, and that is not because the council is

not well intended," Bratton said.

Assistant Chief Sharon Papa said the department is considering approaching private donors to pay to test evidence at private labs.

The California state auditor looked at how the DNA court fee is collected throughout the state, focusing on whether the revenue covered collection costs for three counties, Orange, Los Angeles and Sacramento.

Orange County law enforcement, in 2005, sought \$1.4 million to cover taking samples from felons and received \$314,000 from the court fee, the audit found. Los Angeles County in 2006 asked for \$1.9 million and received \$1.7 million. While the LAPD got \$530,000, some agencies, including the Orange County district attorney's office, did not get any financial help, the audit found.

"Because of inadequate funding, the counties we visited could reimburse the costs of only a few departments," the audit said.

In Los Angeles, one of the temperature-controlled lockers containing the backlogged evidence is so crowded that boxes are stacked in the aisles. The evidence envelopes are lined up in neat rows as if they were drugstore photos awaiting pickup.

Steve Johnson, the LAPD administrator who oversees property facilities, opened the door to one of the trailers and shined his flashlight inside. One box was labeled, "1997. Black pants, underwear." Another contained a blanket and a Raiders sweat shirt.

Johnson opened another trailer. The roof was caked with ice, which flaked off onto the cardboard packages below.

"If the power goes out, these things stay cold enough for long enough to get them repaired," Johnson said. "We're building two more freezers."

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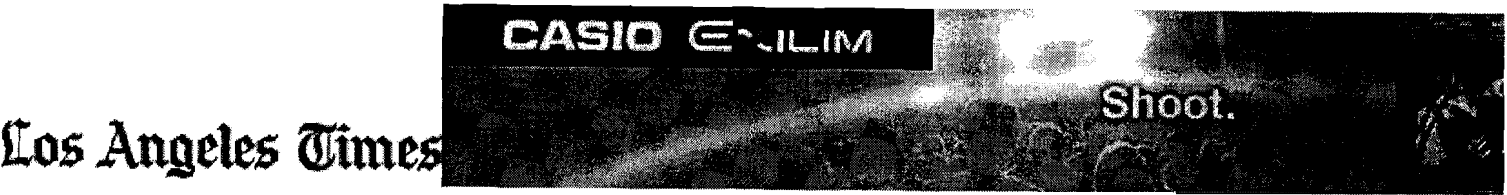
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From the Los Angeles Times

## Death of man shot with Taser is under investigation

A sheriffs spokesman said the man fought with deputies when they arrived at the scene of a disturbance in South L.A.  
By Richard Winton  
Los Angeles Times Staff Writer

December 4,2007

Authorities are investigating the death of a 32-year-old man who lost consciousness sometime after being shocked with a Taser gun during a confrontation with Los Angeles County sheriffs deputies.

Cesar Silva, who authorities suspect was under the influence of alcohol or drugs at the time, passed out in the back seat of a patrol car after struggling with officers shortly before midnight Friday, said Steve Whitmore, a department spokesman.

Silva was rushed to a hospital, where he was pronounced dead, Whitmore said Monday.

The Sheriffs Department's internal affairs unit and the district attorney's office are investigating.

The Taser, which delivers a 50,000-volt shock at five-second intervals, was used because Silva was so combative and had injured at least two deputies, Whitmore said.

But it may not have been effective, because deputies had to use force to get Silva under control, Whitmore said.

"Eyewitnesses indicated there was a real struggle. He had a deputy's leg in a hold," said Michael Gennaco, head of the sheriffs Office of Independent Review.

An autopsy is expected to be completed in a few days. Preliminary information from deputies indicated Silva was shot and shocked with the Taser's nitrogen gas-propelled darts, then shocked again by direct contact with the gun, Gennaco said.

The Sheriffs Department was one of the first large law enforcement agencies in the country to widely deploy this new generation of the Taser gun.

But civil rights groups and Amnesty International have criticized the use of the Taser because more than 230 people have died in the United States since 2001 after being shocked with it.

Sheriffs Cmdr. Sid Heal said in an earlier interview that although deaths had occurred after Taser use, none had been conclusively linked to the gun.

He said the Taser had probably saved many lives by avoiding the use of firearms.

Responding to a neighborhood disturbance call Friday, deputies tried to arrest Silva shortly after 11 p.m. in the 1300 block of East 79th Street, an unincorporated area of South Los Angeles, Whitmore said. Deputies said they



## San Diego County Sheriff's Department

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For More Information:  
Public Affairs Officer Jan Caldwell  
858-974-2259

Date: December 5, 2007

### **San Diego Sheriff Announces Newest Substation 4S Ranch Ribbon Cutting December 6, 2007**

San Diego County Sheriff Bill Kolender is proud to announce the opening of the new 4S Ranch Substation, located at 10282 Rancho Bernardo Road in San Diego. A ribbon-cutting ceremony will take place on Thursday, December 6, 2007 at 9:30 a.m. to commemorate the new facility.

The 4S Ranch community is located within the unincorporated area of San Diego County, and borders both Rancho Bernardo in the City of San Diego and the City of Poway. 4S Ranch encompasses a little over ten square miles and by next year, it is expected to include 7,200 homes and a population of over 23,000.

K. D. Stahl Construction Company began work on the substation in early 2007. The final structure is approximately 6,500 square feet and includes a large conference/briefing room, patrol writing areas, prisoner holding cells, a kitchen, locker rooms, and several offices. The California Highway Patrol (CHP) and San Diego Police Department (SDPD) have been provided office/cubicle space as well. Final cost of the 4S substation is estimated at \$2.5 million.

"We're excited about this newest substation," explained Sheriff Kolender, "It is another opportunity to interface with a wonderful San Diego community."

The substation doors are open for service Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends

The media and public are welcome to attend this ribbon-cutting event. Some of the dignitaries expected to attend include Sheriff Bill Kolender, District 5 Supervisor Bill Horn, Undersheriff Bill Gore, Assistant Sheriff Earl Wentworth, CHP Captain McGagin, San Diego Police Department Captain Miguel Rosario, and Newland Communities President Mike Rust.

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December 9, 2007

THE NATION

## A Hail of Bullets, a Heap of Uncertainty

By **AL BAKER**

AFTER almost every high-profile fatal shooting by the police, a flurry of questions follows hard on the hail of bullets. Premier among them is, Did they have to kill him?

This often implies a more subtle subtext that goes to the heart of police training: Is there a middle ground? And is it possible to shoot to wound?

The answer, law enforcement officials and experts agree, is no, but not because the only alternative is shooting to kill.

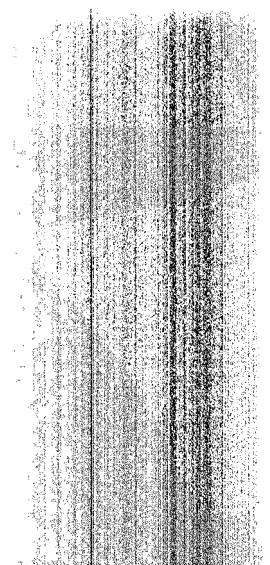
While popular culture has embedded both extremes — the hardened mantra of "shoot to kill" and the benevolent private eye (think Barnaby Jones) who expertly inflicts only a flesh wound — the truth is that neither practice is a staple of police guidelines. In fact, the most likely result when a policeman discharges a gun is that he or she will miss the target completely. So an officer could no sooner shoot to wound than shoot to kill with any rate of success. In life-or-death situations that play out in lightning speed — such precision marksmanship is unrealistic.

In New York, many other municipalities and some federal agencies, guidelines instruct officers to shoot to "stop" — and in particular, to stop an assailant who poses a deadly threat to the officers involved or civilians.

"We do not train our agents to shoot to wound or to shoot the gun out of someone's hand, we train them to shoot to stop the threat," said William G. McMahon, the special agent in charge who heads the New York field division of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. "In the milliseconds a law enforcement officer has to react during a life-threatening situation, aiming to wound is not an option."

Agent McMahon faced tough questions a few weeks ago when a federal officer in the Bronx shot a suspect in the head, after the suspect had brandished a hand grenade and sped away in a car, dragging the agent 20 feet. That followed two fatal police shootings in Brooklyn, one in which the victim pulled out a hair brush that the police said looked like a gun, and another in

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which the victim wielded a broken bottle in his hand. Both shootings raised questions about the use of deadly force.

New York City police statistics show that simply hitting a target, let alone hitting it in a specific spot, is a difficult challenge. In 2006, in cases where police officers intentionally fired a gun at a person, they discharged 364 bullets and hit their target 103 times, for a hit rate of 28.3 percent, according to the department's Firearms Discharge Report. The police shot and killed 13 people last year.

In 2005, officers fired 472 times in the same circumstances, hitting their mark 82 times, for a 17.4 percent hit rate. They shot and killed nine people that year.

In all shootings — including those against people, animals and in suicides and other situations — New York City officers achieved a 34 percent accuracy rate (182 out of 540), and a 43 percent accuracy rate when the target ranged from zero to six feet away. Nearly half the shots they fired last year were within that distance.

In Los Angeles, where there are far fewer shots discharged, the police fired 67 times in 2006 and had 27 hits, a 40 percent hit rate, which, while better than New York's, still shows that they miss targets more often they hit them.

Bad marksmanship? Police officials and law enforcement experts say no, contending that the number of misses underscores the tense and unpredictable nature of these situations. For example, a 43 percent hit rate for shots fired from zero to six feet might seem low, but at that range it is very likely that something has already gone wrong: perhaps an officer got surprised, or had no cover, or was wrestling with the suspect.

"When you factor in all of the other elements that are involved in shooting at an adversary, that's a high hit rate," said Raymond W. Kelly, the New York police commissioner. "The adrenaline flow, the movement of the target, the movement of the shooter, the officer, the lighting conditions, the weather ... I think it is a high rate when you consider all of the variables."

John C. Cerar, a retired commander of the New York Police Department's firearms training section, was more tempered in his assesment of the hit rates. "They're acceptable," he said. "In pristine conditions, you are going to get better hit ratios." He said handguns were an imperfect weapon. "As long as the handgun is the main tool for the police officers to use, you are going to have misses," he said.

Citizen's rights advocates insist the statistics point up the need to train officers to recognize and employ other, less deadly options. "The low hit rate provides another reason why they should do everything possible to avoid having to shoot in the first place, given the likelihood they are going to hit something or someone other than their intended target," said Christopher Dunn, the associate legal director of the New York Civil Liberties Union.

Mr. Kelly pointed to examples of excellent marksmanship, including a 2003 incident in which a City Council member was killed at City Hall. An officer fired six times at the assailant from about 45 feet away; four or five of the shots hit the gunman and killed him.

Interviews with police officials in Boston, Chicago and Los Angeles show that when the police do shoot, they are trained to aim at "center mass." That gives the officer a margin of error, because missing the target can mean hitting bystanders. In stressful confrontations, experts said, the goal was to have the officer fall back on his training to aim for the center.

"You want instinct to take over," one federal agent said.

New York police officials say that their policy manual includes several directives instructing officers to use the minimum amount of force necessary. For instance, the guide bans warning shots in deadly physical force situations — because police don't use bullets as deterrents, and because errant shots can be dangerous. They also cannot shoot at a moving vehicle unless a deadly threat is coming from something other than the vehicle, like a gunman.

New York officials say they believe their officers use more restraint than the police in other major cities do. The police reports on gunfire do not include a breakdown of the victims' race, which is often an inflammatory aspect of New York police shootings.

Mr. Dunn said the policies in the manual are "pretty good" in spelling out abstract rules on deadly force but added: "I am struck at the lack of practical direction about how to minimize the circumstances in which deadly force can be used."

Candace McCoy, a professor of criminal justice at the Graduate Center of the City University of New York, said that officers must be intimately familiar with the neighborhoods they patrol, and understand its natural perimeters, so they can intelligently contain an incident and defuse it short of using deadly force. They can find an in-between tactic, experts said, such as using a Taser, a baton or pepper spray.

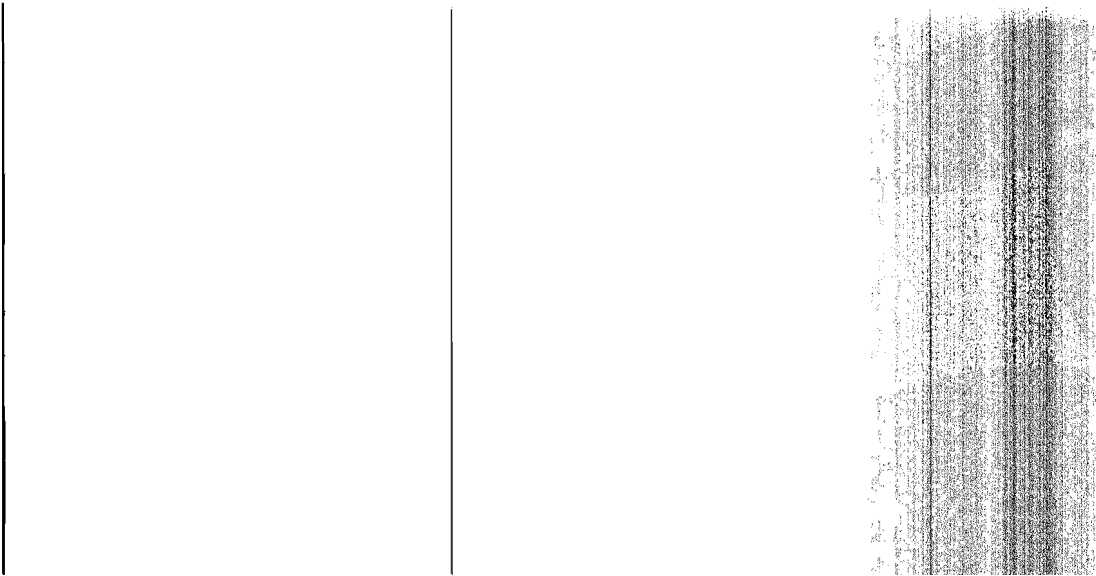
But too often, Professor McCoy said, such middle ground for officers disappears. Once it does, and bullets start to fly, there is no telling where they will land.



"You take Olympic shooters, and they practice all the time, and they can hit a fly off a cow's nose from 100 yards," said Mr. Cerar, the retired commander. "But if you put a gun in that cow's hand, you will get a different reaction from the Olympic shooter."

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## Peers offer support to police, firefighters

### Programs help them deal with job stresses

**By Liz Neely**

UNION-TRIBUNE STAFF WRITER

December 17, 2007

Police and firefighters are trained to deal with tragedy, but sometimes the stress of the job or the horror of a particular crime can wear them down, no matter how time-hardened they are.

That's when peer support – used by law enforcement agencies from Carlsbad to Chula Vista – is most needed. The concept was born some 30 years ago to help public safety workers cope with the more gruesome aspects of the job.

Though the approach differs from agency to agency, the general idea is the same: Give police officers, firefighters and others the opportunity to talk to someone who can relate to what they're going through, confidentially and without judgment.

The California Highway Patrol and Cal Fire have peer support programs, as do most cities in the county. Some, like the county Sheriffs Department, offer it for on-the-job and personal issues. The San Diego Police Department uses it mostly for critical incidents that involve death.

Those that don't have a formal program, such as Coronado and National City, are considering creating one.

"Peer support is strictly stress management," said Maxine Lynch, who coordinates the program for La Mesa's fire and police departments and heads up the California Peer Support Association.

The idea was officially introduced about 30 years ago in Los Angeles, but officials say it has gained ground only in the last decade or so.

"Police agencies actually started to realize we are human, and started to accept the fact that it's OK to get emotional over certain situations," said Sgt. Norma Nares, peer support coordinator for the Sheriffs Department, which patrols unincorporated areas and nine of the county's 18 cities.

"For so long, it was the old TV adage that you get up, dust yourself off and you get right back to work," Nares said. "It was taboo to even discuss what you were feeling."

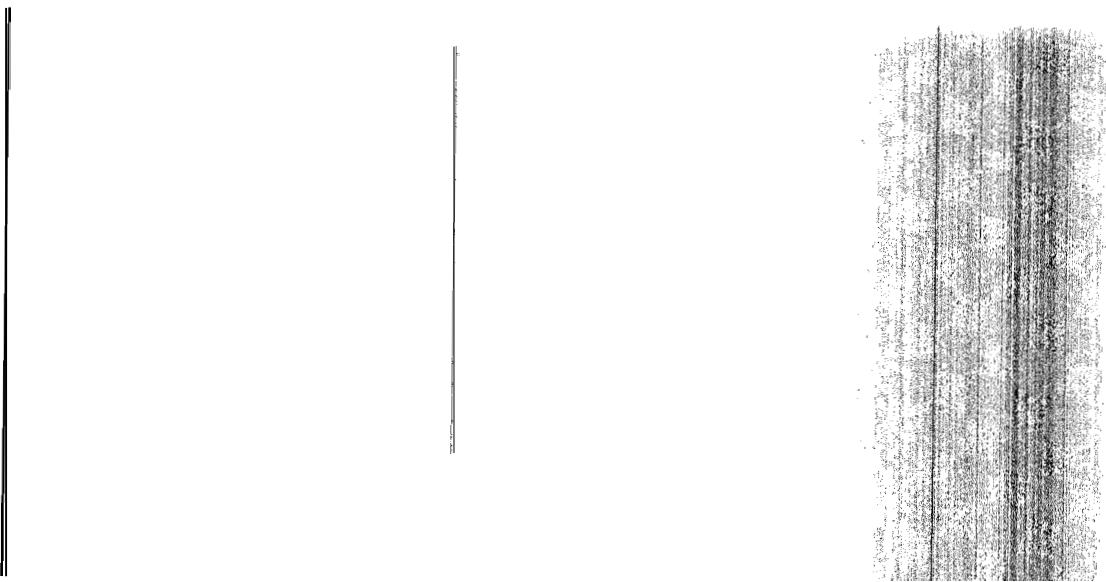
La Mesa's 12-year-old program is called in for work-related incidents, but also assists employees' families. Lynch was part of a team at the El Cajon base camp for crews fighting the Harris fire.

When La Mesa Police Officer Chris Rath was diagnosed with terminal pancreatic cancer in 2002, peer support helped with unfinished home improvements, hospice care and, eventually, funeral arrangements.

"That was a huge turning point in how peer support was accepted in this department," said Lynch, who stayed with Rath and helped administer morphine to her in the days before she died.

Rath's mother wrote to the department after her daughter's death.

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“In the last weeks of her life, two special officers took turns staying day and night to help me as she gradually slipped into an ever deepening coma – they were there when she died," Margaret Rath wrote. "I can't tell you what that meant to me and our family – we shall forever be in their debt."

Suppressing feelings can take a toll on public safety workers, sometimes leading to depression, disease, family strife and substance abuse, experts say. Peer support volunteers sometimes refer officers for professional medical help.

"Their exposure to trauma and ugly events and the ugly side of human nature goes way beyond anybody else's," said Nancy Bohl, director of The Counseling Team International, which provides psychological support services to public safety agencies.

Statistics are hard to come by, but officials say job stress prompts some to leave the profession.

Last year, Sgt. Scott Klocker, a 24-year CHP veteran who works in the Sacramento area, couldn't shake the tidal wave of emotions he experienced after an especially brutal case: a drunken driver killed six family members – two of them small children – returning from a baptism.

One of the dead children was the same age as Klocker's daughter. The mangled sport utility vehicle was the same type his family owned.

"These things start knocking your world off its axis a bit," said Klocker, who sought help when close friends told him he had changed.

He attended a weeklong post-trauma retreat that inspired him to develop a presentation about dealing with stress. He has talked to CHP cadets and officers around Sacramento, but hopes to take his message statewide.

"At the end of every (presentation) there is always someone who says, "Wow, I thought you were talking about me," he said.

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# D.A. says officer was justified in shooting

## Ex-Chargers player injured in incident

By **Debbi Farr Baker** and **Dana Littlefield**  
STAFF WRITERS

December 15, 2007

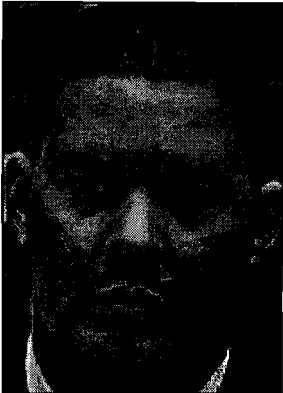
SAN DIEGO – District Attorney Bonnie Dumanis announced yesterday that she would not file criminal charges against the Coronado police officer who shot former Chargers linebacker Steve Foley.

Dumanis said Officer Aaron Mansker was legally justified when he shot Foley in the early morning hours of Sept. 3, 2006. Mansker, who was off duty and in his own car, had followed Foley from downtown San Diego to Poway.

Mansker had suspected Foley of driving drunk.

"After careful consideration of all the evidence and looking only at the narrow question of whether the actions were criminal, it is our conclusion the police officer acted in lawful self-defense," Dumanis said during a news conference in her office.

The report did not review whether Mansker followed police department policy nor did it determine if his actions were proper, or whether there is any civil liability, Dumanis said.



Aaron Mansker

Kevin Keenan, executive director of the American Civil Liberties Union of San Diego and Imperial Counties, said in an interview that he plans to ask the state Attorney General's Office to review the district attorney's findings.

"The D.A.'s analysis is flawed and indefensible; there's no way this is self-defense," he said. "This amounts to one law enforcement agency protecting another."

Foley, who was not armed, was shot in the knee, hip and hand by the rookie police officer. The injuries ended his NFL career.

Mansker was driving home from work when he started to follow Foley about 3:30 a.m. after spotting his 1971 customized Oldsmobile Cutlass weaving erratically on north state Route 163 near Balboa Park.

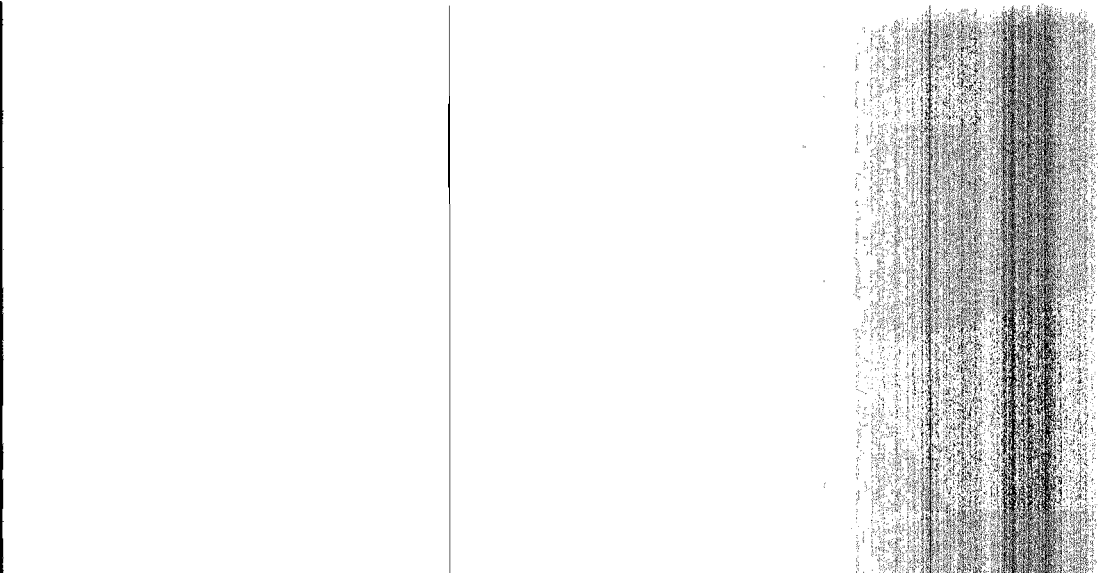
Mansker, dressed in jeans and a white T-shirt, followed Foley's car for several miles before ending up in a cul-de-sac in Poway near the athlete's home.

It was there that Foley got out of the car and started walking toward Mansker. Foley's companion, Lisa Maree Gaut, got behind the wheel of the Oldsmobile and began driving slowly behind him.

According to testimony in Gaut's criminal trial, the officer ordered Foley to stop and fired a warning shot into the dirt nearby. That's when Gaut drove the car around Foley and straight at the officer, Mansker said.

He fired at the Oldsmobile, which passed behind him and hit a curb.

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Mansker said Foley continued to approach and reached for his waistband. The officer testified he fired his gun because he feared for his life.

Foley pleaded guilty to a misdemeanor drunken-driving charge and was placed on five years' probation last May. He was released from the Chargers in February and has filed a lawsuit against the city of Coronado and Mansker.

Gaut was convicted of assault with a deadly weapon and drunken driving. She was sentenced to 180 days in jail and was allowed to serve her time in a work-furlough program.

State law allows the District Attorney's Office to review officer-involved shootings throughout San Diego County to determine whether criminal charges will be filed. The investigations are led by law enforcement in the areas where the shootings occurred.

"We do our best in every single case and we review it objectively and independently," Dumanis said.

Since 1990, the district attorney has filed criminal charges only once against an officer for a shooting in the course of work. In that case, a jury acquitted San Diego police Officer Christopher Chaney after deliberating for 10 minutes.

Coronado Police Chief Louis Scanlon declined to comment yesterday on the findings in the Foley case, saying it would be improper in light of the pending lawsuit. Foley's civil attorneys did not immediately return phone calls seeking comment.

Dumanis also released a review of officer-involved shootings from 1996 through 2006 in San Diego County.

The report concluded that the incidents in which officers used their weapons most frequently happened on Thursdays, Fridays or Saturdays in the evening and late night hours. They were most likely to involve domestic disturbance calls or robberies, and the people shot were most often men between ages 18 and 29 who either had mental issues and/or were on drugs, most commonly methamphetamine.

The report also found that patrol officers were most frequently involved in the shootings.

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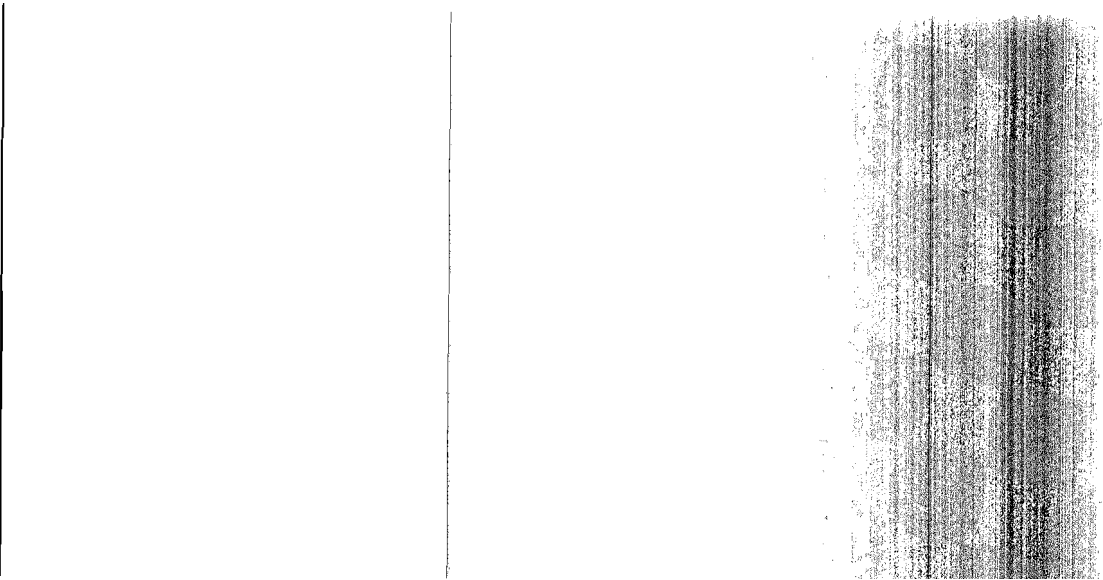
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Monday, December 17, 2007  
Law enforcement now backs outside jail monitor  
Sheriffs Department, DA, probation now embrace modified plan from  
Supervisor Moorlach.  
By PEGGY LOWE  
The Orange County Register  
Comments 0 | Recommend 0

Supervisor John Moorlach's plan to create a civilian monitor for county jails has been dramatically altered and now has some support from the county's top law enforcement agencies.

Moorlach's proposal was first floated in April after the highly publicized death of inmate John Chamberlain last year. An Orange County Register investigation raised questions about deputies' response to the beating death and whether sheriff's personnel resisted efforts of an independent investigation.

Moorlach will unveil his reconfigured plan Tuesday during a board workshop. It calls for an Office of Independent Review, modeled after a civilian review panel in Los Angeles that is made up of civil rights attorneys who monitor and advise the sheriffs Internal Affairs Unit.

That's a far cry from Moorlach's original plan, which would have been made up of seven civilians and no law enforcement personnel. Moorlach said he wanted a public forum as a way to help raise residents' comfort level regarding how county jails are operating.

But Moorlach's plan was immediately opposed by Sheriff Mike Carona and District Attorney Tony Rackauckas, who argued that there are already several existing checks in place and that a new panel would undermine law enforcement.

Although the board unanimously approved studying the issue in May, the plan stalled when county staffers discovered that it would violate a law that protects peace officers' rights. The civilian review panel would also be impossible given the constraints of a California Supreme Court ruling last year that restricts access to documents on police discipline, staffers found.

After months of meetings – and with help from Los Angeles officials – the new plan has the support of the Sheriffs Department, the district attorney and the Probation Department. It has moved even more quickly since Carona's indictment.

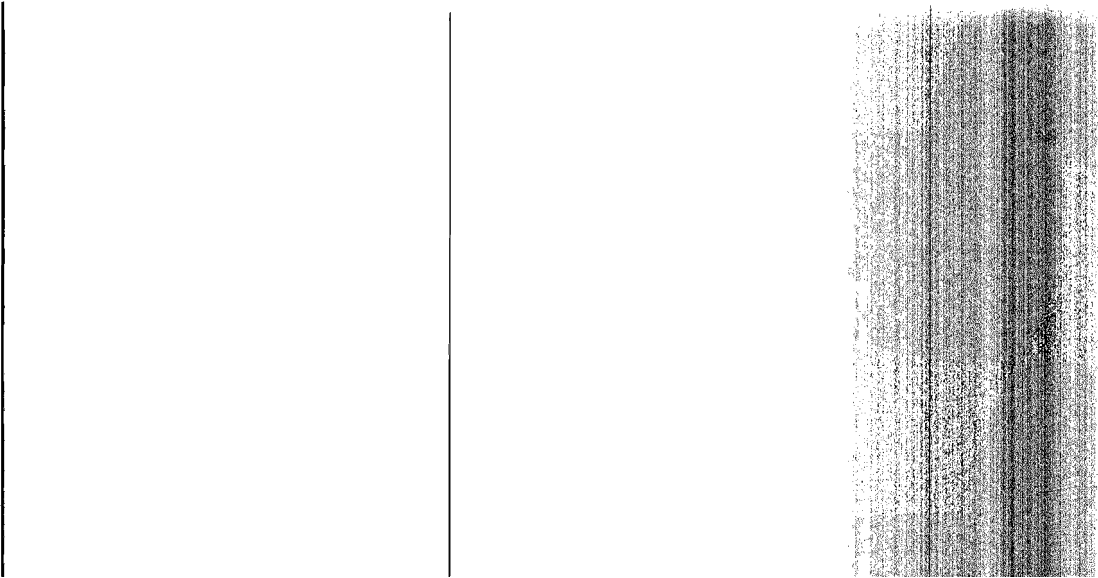
Asked if he was disappointed in the changes, Moorlach said he believed that the new, collaborative effort created an effective model that he hoped would be approved by the board.

"I think we got the ball rolling (with the initial plan)," Moorlach said. "What you didn't get to enjoy was all the dialogue back and forth between the Sheriffs Department and the DA and Probation and our office. Overall, I think it's something we are all happy with, and how do you complain about that?"

Assistant Sheriff Dan Martini, who was part of the working group, said the department supported the concept, although he believed it must be modified to fit Orange County's needs. Because the Sheriffs Department contracts with so many cities for services, Martini said he would like to see the addition of a community mediation process, so people have a place to take their problems and see a resolution.

"What I don't see at this point is that community component," he said. "But I hope we all leave on Tuesday with smiles on our faces."

Martini also said he preferred that the group had been formed before Moorlach created the panel last spring, a move he saw as "more or less an attack on the sheriff."

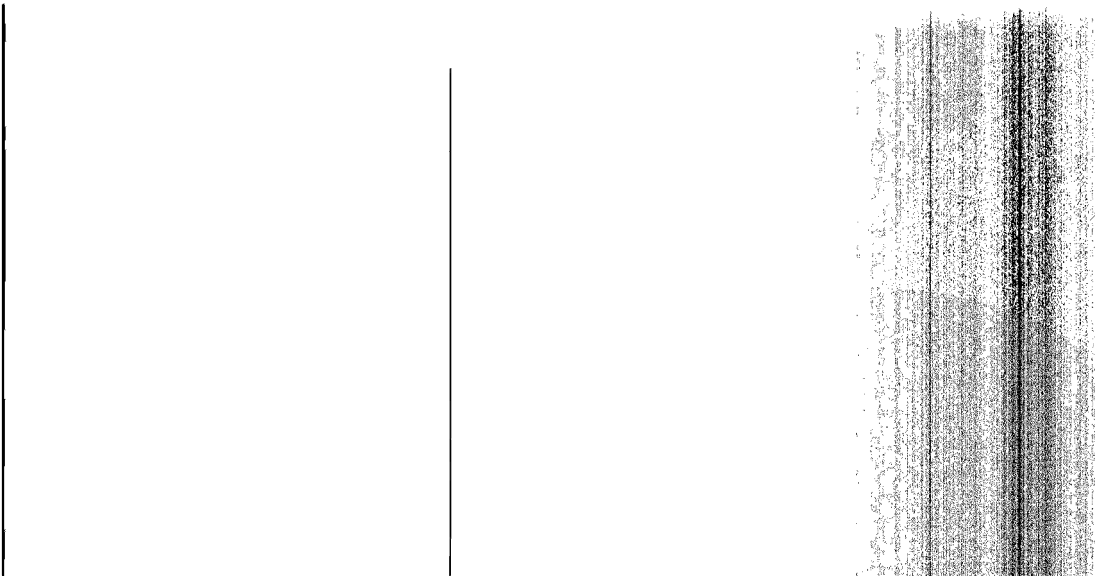


Los Angeles County's Office of Independent Review, founded in 2001 at the request of Sheriff Lee Baca, is funded by the Board of Supervisors on a contractual basis, so it's not considered part of county government. The office was designed in the hope that it has the freedom to make its own conclusions, challenge the department's practices and issue reports.

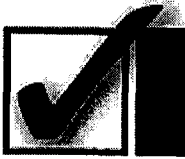
What makes L.A. County's office different from many civilian review panels is the access to department documents, hearings and personnel records. Because the office is staffed by six lawyers, they are bound by attorney-client privilege, so they may see much more of the department's investigatory work. However, when the office issues findings, it may not name deputies, because that is barred under the Peace Officers Bill of Rights.

Michael Gennaco, the office's executive director, said his group steps in during high-profile shootings and jail deaths, but it also studies the Sheriff's Department and makes recommendations on systematic changes that improve the agency.

"We're giving a lot more information to the media and the public about what the heck goes on internally and that's one of the things I'm most proud of," Gennaco said.



Los Angeles Times



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From the Los Angeles Times

## Report faults internal affairs' shooting probes

L.A. County sheriffs monitor cites lax investigation of use-of-force cases.

By Stuart Pfeifer

Los Angeles Times Staff Writer

December 20, 2007

The Los Angeles County Sheriffs Department failed to thoroughly investigate half of its recent use-of-force cases, according to a monitor's report released Wednesday.

Special Counsel Merrick Bobb, who monitors the Sheriffs Department under a contract with the county, said he was concerned that internal affairs investigators didn't interview several deputies who fired weapons at suspects. Instead, the investigators relied on previous interviews of the deputies by homicide detectives.

Bobb, whose staff reviewed dozens of deputies' use of force from 2004 and 2005, also concluded that some of the department's internal affairs detectives appeared to side with deputies while interviewing them.

For example, while investigating the shooting of a juvenile in Compton in 2004, an investigator said, "very good," or "perfect," when a deputy answered questions in a manner that appeared to justify the shooting, according to Bobb's report.

The report found some things to commend, however. It said the Office of Independent Review, which monitors sheriffs internal affairs investigations, had provided useful oversight and improved the thoroughness of the investigations. It also noted that the department's internal affairs process has become a model for agencies across the country.

Sheriffs Division Chief Roberta Abner said the department, in response to Bobb's concerns, recently adopted a policy that requires internal affairs investigators to interview all deputies who shoot suspects, even if homicide detectives already had spoken with the deputies.

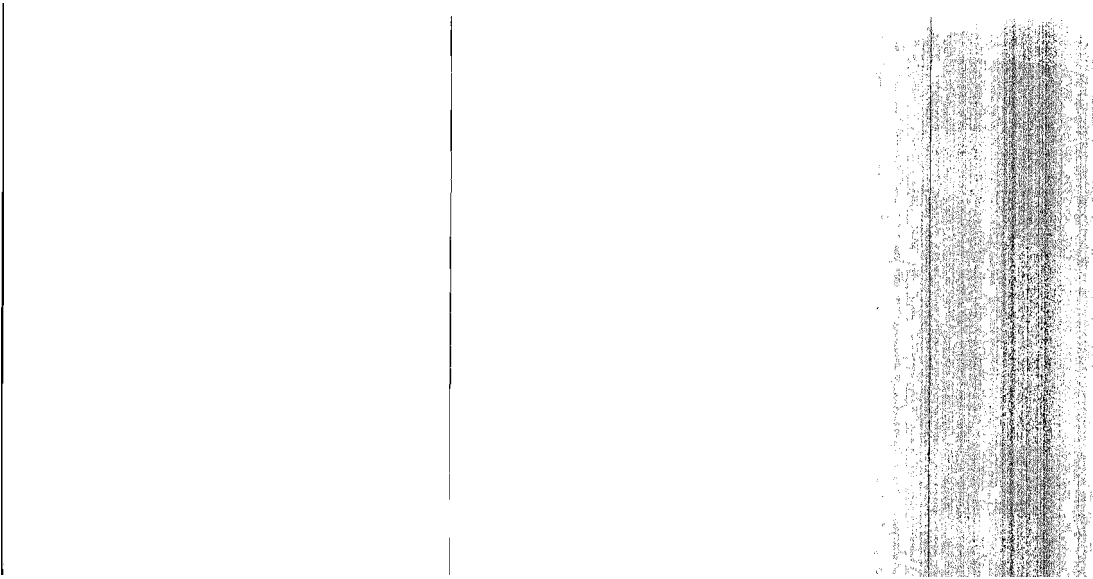
By policy, homicide detectives review deputy shootings to help determine whether the deputies were justified. Deputies now will be interviewed first by homicide detectives conducting a criminal investigation and then by internal affairs investigators to determine whether a shooting was within department policy.

In the report, Bobb said he found the review of one deputy-involved shooting particularly troubling. The deputy shot a juvenile whom he said had shot at him. None of six witnesses said they saw the juvenile with a gun, and a gunshot residue test found no evidence that the youth had fired a weapon.

Deputies said they found a handgun in a nearby bush, but there was no evidence linking the juvenile to the gun. In addition, the deputy gave conflicting accounts of the shooting, the report said. He told one investigator he did not see what happened to the gun but told another he saw the juvenile throw it toward the bush, the report said.

Based on the deputy's statements, the juvenile was convicted of assault with a firearm against a peace officer and

<http://www.latimes.com/news/local/crime/la-me-bobb20dec20,1,4198027,print.story?coll=la-headlines...> 12/20/2007





sentenced to seven years in the California Youth Authority. Bobb requested that the department reopen the investigation, but the department declined. The deputy has left the department.

"If it turns out that the facts were different than as found in the initial investigation it would have very profound consequences for the criminal justice system as a whole and the juvenile in particular," Bobb said Wednesday.

Abner said the department has reviewed the case thoroughly and determined that reopening the case would produce no useful information.

"The issue is whether the juvenile was in possession of a weapon. What we don't feel can happen by reopening it is having any more information that goes to that fact," Abner said.

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More Metro news

Audit team to check up on Sheriff's Department

By Kristina Davis  
UNION-TRIBUNE STAFF WRITER

December 20, 2007

A team of outside auditors will soon return to the Sheriffs Department to evaluate whether the agency has honored its commitment to improve how it investigates deputy-involved shootings.

Sheriff Bill Kolender requested the audit in summer 2005 after deputies shot and killed three unarmed Latino men in Vista in a five-day span.

The follow-up comes about six months after the Los Angeles County Office of Independent Review finished its audit and issued 35 recommendations for the Sheriffs Department to streamline its use-of-force policies and minimize fatalities.

Undersheriff Bill Gore said most of the recommendations have since been put into practice. The department disagreed with two of the recommendations, such as using a second, more detailed form to document use of force, and has no plans to implement those.

Two of the biggest changes involve how the agency investigates use of force by its deputies.

The changes include standardizing the procedures for investigating shootings in which the suspect is not hit, as well as redefining the role of the Critical Incident Review Board, which examines use-of-force cases. The board is made up of sheriffs executives of different ranks.

"We've made it a more rigorous review," Gore said.

Bringing the auditors back for a second round wasn't part of the original plan, but some people questioned if the agency would be held accountable after the auditors left.

"The sheriff thinks that if it creates more transparency and assures the public that we are on the right track, then that's the right thing to do," Gore said yesterday.

The American Civil Liberties Union, a group that early on suggested the need for a second evaluation, commended the Sheriffs Department on its decision.

"It's much better for an outside agency involved in producing the audit to assess how the department is doing," said Kevin Keenan, ACLU's San Diego executive director. "Originally, they expected that the press and groups such as the ACLU would monitor the implementation, and we just don't have the same access to information."

It wasn't clear how long the second review would take or how much it would cost, but Gore expects the auditors to begin sometime after the first of the year.

The review will not be as exhaustive as the first audit, Gore said, which cost \$250,000 and took 10 months to complete.

■ Kristina Davis: (760) 476-8233; kristina.davis@uniontrib.com

## Police brutality cases on rise since 9/11

By Kevin Johnson, USA TODAY

WASHINGTON — Federal prosecutors are targeting a rising number of law enforcement officers for alleged brutality, Justice Department statistics show. The heightened prosecutions come as the nation's largest police union fears that agencies are dropping standards to fill thousands of vacancies and "scrimping" on training.

Cases in which police, prison guards and other law enforcement authorities have used excessive force or other tactics to violate victims' civil rights have increased 25% (281 vs. 224) from fiscal years 2001 to 2007 over the previous seven years, the department says.

During the same period, the department says it won 53% more convictions (391 vs. 256). Some cases result in multiple convictions.

Federal records show the vast majority of police brutality cases referred by investigators are not prosecuted.

University of Toledo law professor David Harris, who analyzes police conduct issues, says it will take time to determine whether the cases represent a sustained period of more aggressive prosecutions or the beginnings of a surge in misconduct.

The cases involve only a fraction of the estimated 800,000 police in the USA, says James Pasco, executive director of the National Fraternal Order of Police (FOP), the nation's largest police union.

Even so, he says, the FOP is concerned that reduced standards, training and promotion of less experienced officers into the higher police ranks could undermine more rigid supervision.

"These are things we are worried about," Pasco says.

For the past few years, dozens of police departments across the country have scrambled to fill vacancies. The recruiting effort, which often features cash bonuses, has intensified since 9/11, because many police recruits have been drawn to military service.

In its post-Sept. 11 reorganization, the FBI listed police misconduct as one of its highest civil rights priorities to keep pace with an anticipated increase in police hiring through 2009.

The increasing Justice numbers generally correspond to a USA TODAY analysis of federal law enforcement prosecutions using data compiled by the Transactional Records Access Clearinghouse at Syracuse University.

Those data show 42 law enforcement prosecutions during the first 10 months of fiscal year 2007, a 66% increase from all of fiscal 2002 and a 61% rise from a decade ago.

David Burnham, the co-founder of the TRAC database, says prosecutions appear to be increasing, but "more important" are the numbers of cases prosecutors decline.

Last year, 96% of cases referred for prosecution by investigative agencies were declined.

In 2005, 98% were declined, a rate that has remained "extremely high" under every administration dating to President Carter, according to a TRAC report.

The high refusal rates, say Burnham and law enforcement analysts, result in part from the extraordinary difficulty in prosecuting abuse cases. Juries are conditioned to believe cops, and victims' credibility is often challenged.

"When police are accused of wrongdoing, the world is turned upside down," Harris says. "In some cases, it may be impossible for (juries) to make the adjustment."

  
**Los Angeles Times**

<http://www.latimes.com/news/local/crime/la-me-lapd21dec21,1,611.6771..story?coll=la-headlines-california-crime&ctrack=1.&cset=true>  
From the Los Angeles Times

## L.A. police panel requires financial disclosure for some officers; union sues

The commission is trying to get out from under a court order for reform. Critics say the new policy is invasive and won't work.

By Joel Rubin

Los Angeles Times Staff Writer

December 21, 2007

The Los Angeles Police Commission approved a plan Thursday to require hundreds of anti-gang and narcotics officers to disclose detailed information about their personal finances, triggering an immediate court challenge by the police officers union and a debate at City Hall over whether to overrule the panel.

At issue in the rapidly intensifying dispute is what LAPD Chief William J. Bratton and the five-member commission hope will be one of the final pieces of a broad reform campaign that began after the Rampart corruption scandal and has kept the department under federal oversight since 2000.

Bratton and his civilian bosses are eager to get out of the federal consent decree, which calls for some sort of financial disclosure rule for officers in specialized units who frequently handle cash, drugs and other contraband. The issue has proved to be the most contentious sticking point as union and city officials have struggled for years to strike a compromise between officers' privacy rights and the need to satisfy the decree.

The reform is intended to help supervisors detect an officer who is taking bribes or involved in other illegal conduct. Under its terms, about 600 officers would be required to disclose to department officials any outside income, real estate, stocks, other assets and debts every two years. They would also have to reveal the size of their bank accounts and include any holdings they share with family members or business partners. Officers already assigned to the units would be granted a two-year grace period before having to complete the records.

"It's important that we use every tool available to make absolutely sure that even if it's just one officer who is potentially inclined to go down this path, that we do everything within our . . . authority to make sure that doesn't happen," said Commissioner John Mack. "We cannot forget the Rampart incident."

Indeed, the legacy of the Rampart Division scandal hung heavy over the commission's special meeting Thursday. The call for financial disclosure stemmed in part from admissions by a former anti-gang officer that he and his partner routinely stole thousands of dollars in cash and narcotics from gang members and drug dealers. He said there was little scrutiny of what officers did on the streets and that many officers in his unit took advantage of the lack of supervision by beating and framing suspects.

But Thursday, several police officers, union leaders and elected officials questioned whether the disclosure requirement would do anything to improve on audits, polygraph tests and other safeguards against abuse already in place.

"You would have to look at the ebb and flow of money coming in and going. This is just a snapshot. All they are

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doing is looking at one day, and with that you have no idea what has happened," said Don Brady, a lieutenant in charge of about 40 narcotics officers, some of whom specialize in tracking the assets of drug dealers.

Critics warned that the commission's move has left rank-and-file officers deeply angry and that hundreds may retire or request transfers out of the specialized units instead of submitting to the new rules.

"It has dampened morale," Brady said of the officers in his units. "They really feel like they're not being trusted."

Civil rights attorney Connie Rice, who has been closely involved in the push to reform the LAPD, echoed the opposition to the policy, saying increased supervision of officers was needed instead.

"The commission is caught between a rock and a hard place on this one. It is trying to do what the court wants it to do, whether it's a good idea or not," she said, referring to U.S. District Judge Gary A. Feess, who oversees the decree. She said police officers "have a right to be angry. They know this won't do any good and is an infringement on their rights."

Although the vote was unanimous, Commissioner Alan Skobin said he sympathized with the officers' concerns.

"I could not look the officers in the eye and tell them that it will do anything to improve the Los Angeles Police Department, except to hope that it will get us beyond the consent decree," he said. "What we're asking them to do and what we're asking their families to do is a very bitter pill. In fact, we're not asking, we're ordering them."

The scope of the policy goes beyond what is demanded of Bratton in the financial interest forms he must file with the city Ethics Commission. But although Bratton's disclosures are public record, the officers' information would be kept confidential. In response to union officials' concerns that the department would not be able to keep the documents safe, the commission refined the policy Thursday to make clear that the information would be kept locked in Bratton's office until it was periodically destroyed.

The commission's disclosure policy puts the officers on par with many federal law enforcement agents. Every five years, for example, agents in the Drug Enforcement Administration must submit to thorough investigations of their finances, said Special Agent Jose Martinez.

Before Thursday's vote, union President Tim Sands urged commissioners to reconsider a compromise that city, federal and union lawyers agreed to last year but that Judge Feess threw out as insufficient. That deal called in part for the department to conduct frequent sting operations and audits of narcotics and anti-gang officers but did not require across-the-board disclosures.

"Go back to this judge and tell him that we had an agreement," Sands said. "We will protect the rights of our officers. . . . We don't want to go down that road. I am asking you, do not move this order forward."

In response to the commission's action, the union filed a lawsuit in Los Angeles County Superior Court seeking an immediate injunction against the disclosures, contending that they violate state laws and collective bargaining rules that protect officers' privacy rights.

Councilman Jack Weiss, who chairs the council's public safety committee said he would push other council members to take the rare step of voting to supersede the commission and assume jurisdiction over the issue. Such a move would require the support of 10 of the 15 council members. If the council takes that action, it can then vote on whether to veto the commission's plan and force the panel to try again.

"I am skeptical" about the policy, Weiss said. "It's not clear that it will assist in detecting bad cops."

Councilman Dennis Zine, a former LAPD sergeant, said he also opposed the commission's decision but would not support Weiss' effort, which he called a "disingenuous" move targeted at winning the police union's endorsement in Weiss' upcoming run for city attorney.

Weiss could not be reached for comment on Zine's assertion. Lisa Hansen, Weiss' chief of staff, said: "This is not about politics. The council will decide this issue on the merits, but clearly it warrants discussion."

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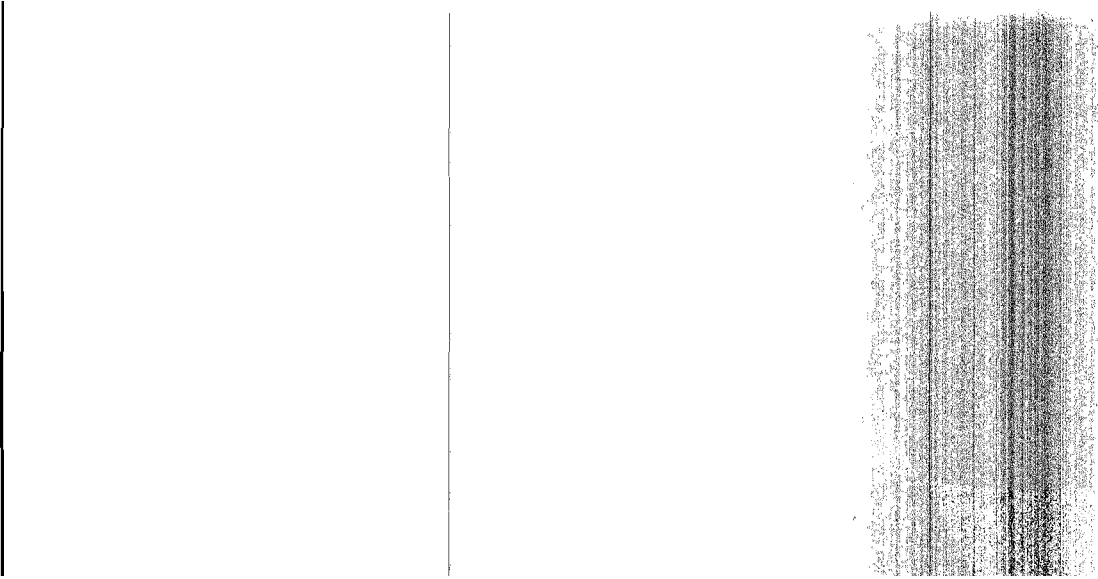
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CHP officer from Murrieta held in \$1-million drug theft

By David Haldane, Los Angeles Times Staff Writer

December 25, 2007

A California Highway Patrol officer has been arrested on suspicion of stealing several kilograms of cocaine worth an estimated \$1 million from the evidence room at the agency's station in Santa Ana, officials said Monday.

Joshua Blackburn, 32, of Murrieta, a six-year veteran, was being held at the Orange County Jail on \$4-million bail.

"This is an extremely serious crime," said Susan Kang Schroeder, a spokeswoman for the Orange County district attorney's office. "This is somebody the public put their trust in, so it elevates the case."

Blackburn's attorney, John Barnett, declined to comment except to say that his client had never been in trouble. CHP officials also declined to comment, and a call to Blackburn's home was not answered.

Blackburn is expected to be charged with transportation of cocaine, possession for sale and burglary, Schroeder said. His arraignment was set for Wednesday.

The crime came to authorities' attention about 4 a.m. Friday when CHP officers noticed that someone had broken into the evidence room, Schroeder said. They contacted the Santa Ana Police Department and the district attorney's office, which conducted an investigation.

Blackburn was arrested later that day, Schroeder said.

"We have recovered all of the cocaine involved and feel confident that there are no more [stolen] drugs floating around," she said.

Authorities believe there was only one break-in, which occurred early Friday.

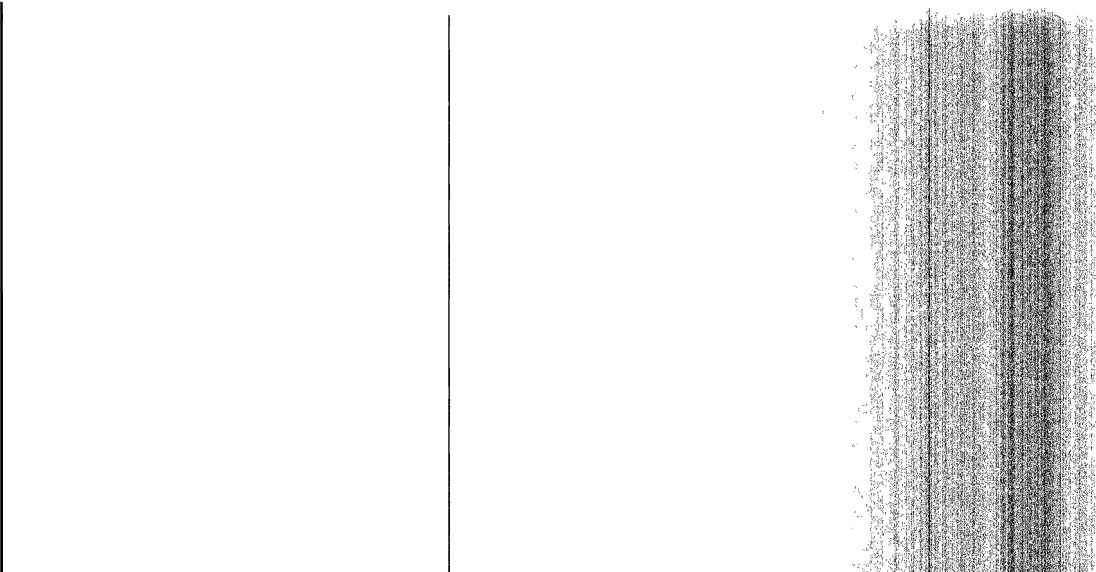
Schroeder would not specify what evidence led to the suspect, nor where the drugs were recovered because the investigation is continuing.

The stolen cocaine, part of a cache of evidence in a pending case in which Blackburn is not involved, was found "somewhere in Southern California" away from the CHP station, she said.

On Monday, a neighbor of Blackburn expressed surprise at his arrest.


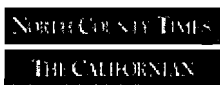
"He's a great guy," Russel Hendricks said. "My kids and his kids play on the street together. He goes to church every Sunday."








Blackburn, who has a wife and four young children, could face several years in state prison if convicted. Schroeder said.



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Wednesday, December 26,2007

Last modified Tuesday, December 25, 2007 7:59 PM PST

Deputy recruiting in overdrive

By: DAN SIMMONS - Staff Writer

Sheriffs Department's efforts to fill gaps starting to pay off

VISTA -- As job recruiters go, Sgt. Tom Fitzgerald of the San Diego County Sheriffs Department would seem to have it easy.

There's ample supply -- an annual pool of nearly 4,000 applicants -- and ample demand, with 250 to 300 vacant deputy jobs yearly. The jobs pay a starting annual salary of between \$49,725 and \$53,459. And the weather is sublime. Y

But the task of matching candidates to jobs has proven anything but easy. Strict hiring standards cancel out a good chunk of would-be recruits.

"Our pool of qualified candidates keeps getting smaller," said Fitzgerald, who oversees the department's recruiting unit. For every 100 people who take the department's initial written exam, just six end up being hired, on average, he said.

While not new, the trend works against them even more in times of greatest need for new officers. Now is one of those times.

So the department has introduced new efforts to target high-quality recruits. A \$450,000 contract with Astone, Crocker and Flanagan, a Sacramento marketing agency, was inked earlier this year. Targeted advertisements under the department's "Put a Star in Your Future" slogan have been placed in print and broadcast media, billboards and on the Internet. The department also has a Web site dedicated to recruiting at [www.joinsdsheriff.net](http://www.joinsdsheriff.net).

And new incentive programs propose to beef up starting salaries for military veterans, add a hefty signing bonus for graduates of police training programs and double the reward for current employees who refer new hires to the department.

Together, they represent recruiting "in overdrive," he said, reflected in the department's recruiting budget, up to \$526,000 in 2007. Last year, it was \$250,000. In 2004, it was \$0.Y

The hefty rise reflects the department's urgency. A number of factors since 2003 led to a net loss of several hundred deputies, with no reliable system in place to replace them. It became so urgent that the department designated recruiting the No. 1 priority two years ago, Fitzgerald said --with funding to match.

The department has continued earlier efforts to expand its recruiting base, having employment seminars for women and targeting advertising to minorities.



"We need to get the message out that we're more interested in your brain than your brawn," he said. "In these jobs, it's more important to be cerebral, a problem-solver, able to communicate well."

Early signs indicate the efforts are working, Fitzgerald said. The department is allocated 2,400 full-time positions. In recent years, it would run with about 175 to 200 positions open. In November, the vacancies dipped to 139, continuing a positive trend, Fitzgerald said. Y

He credited a lower attrition rate among existing deputies and a more robust infusion of new deputies. In fiscal year 2006, the department hired 244 new full-time employees against 85 retirements. In 2007, it's on pace to add at least that many new deputies while losing just 66 to retirement, he said.

Also helping has been a fast-tracked hiring process. In the past, it took nine months to a year for a recruit to go from applicant to deputy. Now, it usually takes just three to five months, Fitzgerald said.

But finding suitable candidates remains a challenge for the department.

On a recent Saturday morning, about 60 potential deputies filed into a high school cafeteria in Vista to begin the application process. Six times a month throughout the county, the Sheriffs Department conducts the exams, open to all.

Results come back in two weeks. In the past, Fitzgerald said the department was somewhat choosy about test results.

"Now, with the vacancy rate so high, we have to be more realistic," he said. "We're basically processing anyone who passes the test."

An interview process then begins, including physical and psychological exams, checks of employment history, credit history, criminal record and academic performance. All applicants take a lie detector test. Y

Many drop out on their own before the interview process. But a substantial number get weeded out by the department because of past drug use, scrapes with the law or other blemishes.

"Younger people are doing more high-risk stuff that disqualifies them," Fitzgerald said.

That fact has led his department, and many others, to be more flexible.

"No one's perfect," he said. "If they were, we wouldn't have a Sheriffs Department. We try to look at every (indiscretion) in context."

The department's hiring shortfall began in earnest in 2003, when an improved state pension program for officers and deputies started. Right away, the Sheriffs Department started losing 60 to 70 deputies every spring, with more trickling out during the rest of the year.

The wars in Iraq and Afghanistan left military bases, traditionally a ripe source of recruits, barren.

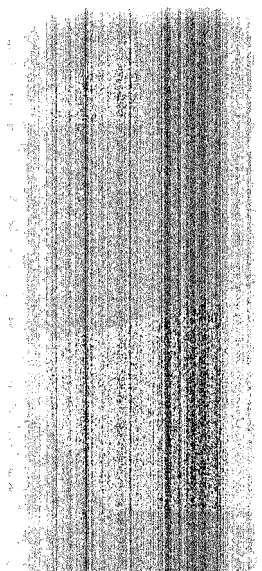
When the state's financial crisis developed in 2004, the Sheriffs Department went to "bare bones" enforcement. It quit hiring and specialty units were dismantled to put everyone possible on patrol.

"We didn't have anyone in the pipeline to fill the gaps," Fitzgerald said. "We've been trying to play catch-up for several years."

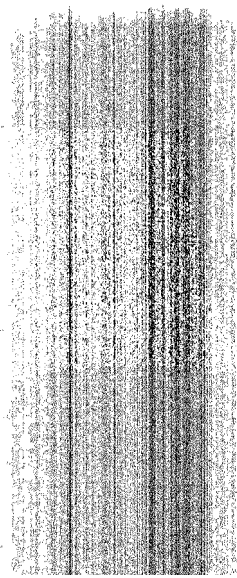
-- Contact staff writer Dan Simmons at (760) 740-5426 or dsimmons@nctimes.com.

**New benefits for sheriffs deputies who:**

- Served in the military\*: approximately \$3,000 extra for every four years served.
- Came from another law enforcement agency: A bonus up to \$5,000 for "lateral" deputies.
- Completed a police academy\*: Up to \$2,600 reimbursement to cover academy expenses.



- Refer a friend or colleague\*: \$1,000 bonus for existing deputies.
  - Pending approval by the San Diego County Board.
- Source: Sgt. Tom Fitzgerald, San Diego Sheriffs Department



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## Lenient sentence is sought for deputy

### Defense alleges abuse by his wife, her parents

**By Ray Huard**  
UNION-TRIBUNE STAFF WRITER

**December 27, 2007**

Lawyers for a sheriff's deputy who killed his wife said he should get a lenient prison sentence because he was verbally abused by his wife and her parents.

Lowell Bruce also was abused as a child by his alcoholic parents and told a court-appointed psychologist that his childhood was "filled with stress and violence," according to documents filed by Deputy Public Defenders Henry C. Coker and Steward Dadmun.

Bruce, 41, pleaded guilty Aug. 14 to a charge of voluntary manslaughter for the Dec. 14, 2006, shooting of his wife, Kristin Maxwell-Bruce, 38. She was shot in front of their 4-year-old son in the Alpine house they shared with Maxwell-Bruce's parents and grandfather.

Maxwell-Bruce was shot once in the jaw during an argument over Bruce's failure to get his two sons, the 4-year-old and a 7-year-old, ready for bed, according to his lawyers. She died about an hour later in the parking lot of a nearby elementary school where paramedics took her to wait for a medical helicopter.

Bruce faces up to 21 years in prison, but his lawyers are asking for six.

District Attorney Bonnie Dumanis and Bruce's lawyers have asked an appeals court to stop a judge who heard the case from sentencing Bruce. They said El Cajon Superior Court Judge **Allan J. Preckel** is biased against Bruce because of Bruce's position as a deputy sheriff in detentions and court services assigned to the Las Colinas Detention Facility in Santee.

Bruce's lawyers have declined to discuss their motion for leniency and Deputy District Attorney William Gentry couldn't be reached for comment yesterday.

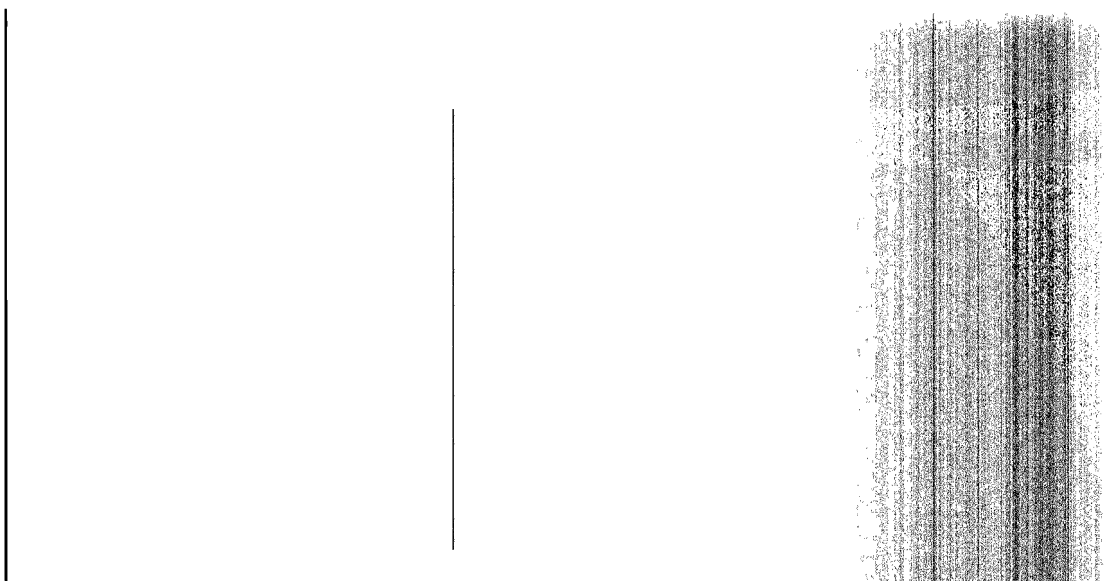
Defense lawyers, in their motion, said the argument that led to the shooting was but another instance of Bruce's wife and her parents belittling him as lazy and mentally slow.

Bruce told the psychologist that his wife of 13 years would sometimes become physically aggressive and throw things at him or hit him with clothes hangers, his lawyers said.

The night of the shooting, Bruce's wife gathered his clothes from a bedroom closet and threw them on the floor, the lawyers said. She pulled his service handgun from a holster in the closet and stepped toward him with the gun out. Bruce grabbed the gun and fired after she told him "go ahead and shoot me," the lawyers said.

After the shooting, Bruce called 911 to summon help and told dispatchers "I just shot my wife," his lawyers

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said.

Paramedics arrived about 18 minutes later, but rather than taking her immediately to a hospital, asked her a series of questions and put her on a stretcher. Maxwell-Bruce may have survived had paramedics promptly taken her to a hospital, Bruce's lawyers said.

Maxwell-Bruce's parents have made a similar allegation in a lawsuit they filed last week against San Diego County, Viejas Fire Department paramedics and Bruce.

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WASHINGTON (AP) — A record number of fatal traffic incidents and a double-digit spike in shooting deaths led to one of the deadliest years for law enforcement officers in more than a decade.

With the exception of 2001, which saw a dramatic increase in deaths because of the Sept. 11 terrorist attacks, 2007 was the deadliest year for law enforcement since 1989, according to preliminary data released jointly by the National Law Enforcement Officers Memorial Fund and Concerns of Police Survivors.

The report counted the deaths of 186 officers as of Dec. 26, up from 145 last year. Eighty-one died in traffic incidents, which the report said surpassed their record of 78 set in 2000. Shooting deaths increased from 52 to 69, a rise of about 33%.

"Most of us don't realize that an officer is being killed in America on average every other day," said Craig W. Floyd, chairman of the National Law Enforcement Officers Memorial Fund.

Officer fatalities have generally declined since peaking at 277 in 1974, the report said. Historically, officers have been more likely to be killed in an attack than to die accidentally and shootings outnumbered car crashes. But those trends began to reverse in the late 1990s. This year, about six of every 10 deaths were accidental.

Floyd credited technology improvements with helping reverse the trend. Safety vests save lives and non-lethal devices such as electric stun guns prevent some fatal encounters, he said. He attributed the spike in shooting deaths to the increase in violent crime nationwide.

"Law enforcement is the front line against violent criminals," he said.

Of the 81 traffic deaths this year, 60 officers died in car crashes, 15 were hit by cars and six died in motorcycle crashes.

Police departments have worked to limit high-speed chases and only seven of the car crashes were attributed to such pursuits, Floyd said. Crashes involving a single police cruiser responding to a call were far more common, he said.

After traffic crashes and shootings, physical causes such as heart attacks were the leading cause of death, contributing to 18 fatalities. Other causes of death included smaller categories such as airplane and boating accidents, for an additional 18 fatalities.

Texas led the nation with 22 fatalities followed by Florida (16), New York (12), and California (11). The report includes the death of 17 federal law enforcement officers, including five Air Force Office of Special Investigations agents killed in two bombings in Iraq.

The report counted six times in which multiple officers were shot and killed in the same incident, such as the September shooting in Odessa, Texas that left three officers dead while responding to a domestic violence call. Domestic violence and traffic stops were the circumstances that most commonly led to fatal police shootings this year, the report found.

The average age of officers who died in 2007 was 39. Most were men and had served an average of about 11 years in law enforcement.

